

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12993 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
 2. To be referred to the Reporter or not? No.
 3. Whether Their Lordships wish to see the fair copy of the judgement? No.
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
 5. Whether it is to be circulated to the Civil Judge? No.

NAROTTAMDAS CHUNILAL PANCHAL

Versus

CHIMANLAL KALIDAS PANCHAL

Appearance:

MR VIJAY M SOLANKI, Advocate, for Petitioner.
MR UNMESH D SHUKLA, Advocate for Respondent.

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 03/04/96

ORAL JUDGEMENT

The facts giving rise to the present Special Civil Application are that the learned Trial Judge refused the prayer for cross examination. Against the said order New Trial Application was filed before the Appellate Bench of the Small Causes Court, Ahmedabad. The Appellate Bench refused to interfere with the order of the Trial Judge relying on the decision of this Court, reported in AIR 1967, Guj. 229, wherein it is held that "power of Court to call deponent for cross examination is rarely exercised and unless the Court is convinced that

in the interest of justice such course is necessary, the Court would not ordinarily in writ petition exercise that power."

2. In view of this and for the reason that inter locutory order was passed by the Trial Judge, I am not inclined to interfere in the inter locutory order. This Special Civil Application is dismissed. Rule discharged.

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